



Docket No. 9792909-5123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:)
Koichiro Kishima)
)
Serial No.: 09/943,832) Examiner: E. Mulvaney
)
Filed: August 30, 2001) Group Art Unit: 1774
)
For: OPTICAL RECORDING MEDIUM)
AND ITS MANUFACTURING)
METHOD)
)

**TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

I, David R. Metzger, represent that I am an attorney of record for the above-identified invention.

Sony Corporation is the assignee of the entire interest in the above-identified patent application and any patents issued therefrom.

The terminal part of the statutory term of any patent granted on this application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173 of U.S. Application No. 09/731,904, is hereby disclaimed except as provided below, and it is agreed that any patent so granted on the instant application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to any patent issued on U.S. Application No. 09/731,904. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

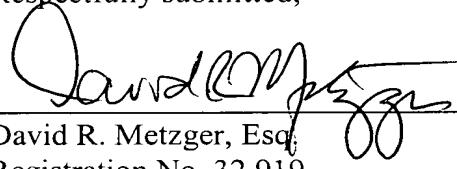
Docket No. 9792909-4134
(P99,0072)

Ser. No. 09/231,489

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§154-156 and 173, of U.S. Patent No. 6,107,685 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner of is authorized and requested to charge the amount of \$110.00 to cover the required fee to American Express Account No. 378571697401002. Form 2038 is attached for that purpose. The Commissioner is also authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed for that purpose.

Respectfully submitted,



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Date: February 9, 2004

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I hereby certify that this document and any being referred to as attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2004.



Date _____
Karen Turkowski